

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2019

CERTIFIED MAIL 91 7199 9991 7039 6274 0235
RETURN RECEIPT REQUESTED

Mr. Erny McDonough
President
Port O'Connor Improvement District
P.O. Box 375
Port O'Connor, Texas 77982

Re: Notice of Enforcement for the Complaint and Reconnaissance Investigations at:
Port O'Connor Improvement District Wastewater Treatment Plant,
Located approximately 1,200ft west of the intersection of State Highway 185 and Trevor Street
and approximately 975ft north of State Highway 185, Port O' Connor (Calhoun County), Texas
Regulated Entity No.: 106064280; TCEQ ID No.: WQ0013693001; Investigation No.: 1513237;
Incident Nos.: 289260, 293014, 293190, 292503, 293590, 288351, 292467, 288352, 288354,
293602, 292270, 292152, 292265, 292276, 288348, 292802, 288349, 292996, 293285, 288353,
288355, 292574, 293428

Dear Mr. McDonough:

On July 11 and 12, 2018, September 6, 19, and 25, 2018, and October 3, 4, 5 and 17, 2018, Mr. Bill Ross, Ms. Kelli Holt, and Mr. Jay Halepeska of the Texas Commission on Environmental Quality (TCEQ) Corpus Christi Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for wastewater treatment and collection. During these investigations, certain outstanding alleged violations were documented. Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Corpus Christi Region Office at 361-825-3100 or the Central Office Publications Ordering Team at 512-239-0028.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

Mr. McDonough
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In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Water Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Mr. Halepeska in the Corpus Christi Region Office at 361-825-3100.

Sincerely,



Melanie Edwards, Water Section Manager
Corpus Christi Region Office
Texas Commission on Environmental Quality

ME/JH/mjc

Enclosure: Summary of Investigation Findings

cc: Mr. Homer Cheek, Operator, Port O'Connor Improvement District

Summary of Investigation Findings

PORT O CONNOR IMPROVEMENT DISTRICT WWTP

Investigation #

1513237

Investigation Date: 07/11/2018

, CALHOUN COUNTY,

Additional ID(s): WQ0013693001
TX0112151

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 696757

Compliance Due Date: To Be Determined

2D TWC Chapter 26.121(a)(1)

30 TAC Chapter 305.125(4)

PERMIT WQ0013693001, Permit Conditions (2)(g)

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to waters in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

Alleged Violation:

Investigation: 1513237

Comment Date: 11/05/2018

Failed to prevent the unauthorized discharge of wastewater into or adjacent to waters in the State.

During investigations conducted on September 19, 2018 and September 25, 2018, sewage and sewage debris were observed discharging from numerous clean-outs, valve pits, and air terminals throughout the town of Port O'Connor. Additionally, many similar unauthorized discharges of sewage likely occurred from the collection system from July 4, 2018 through October 7, 2018 due to the collection system not properly operating during that period of time.

Recommended Corrective Action: Submit compliance documentation indicating that the unauthorized discharges have ceased and that the areas where discharges occurred have been properly remediated. Also submit documentation indicating what steps have been taken to prevent future discharges.

Track No: 696761

Compliance Due Date: To Be Determined

30 TAC Chapter 305.125(1)

PERMIT WQ0013693001, Effluent Limitations & Monitoring 1

During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limits: Ammonia Nitrogen Single Grab 15 mg/L.

PERMIT WQ0013693001, Effluent Limitations & Monitoring 2

The Effluent shall contain a chlorine residual of at least 1.0 mg/L and shall not exceed a chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample at each chlorine contact chamber.

Alleged Violation:

Investigation: 1513237

Comment Date: 11/05/2018

Failed to maintain compliance with the permitted effluent limits.

During the investigation conducted on July 11, 2018, grab samples collected were not compliant with permitted effluent limits. Specifically, the minimum chlorine residual of 1.0 mg/L was not maintained. The grab sample collected indicated the chlorine residual was 0.41 mg/L. Additionally, the ammonia nitrogen single grab effluent limit (15 mg/L) was not maintained. The grab sample collected indicated the ammonia nitrogen concentration was 37.5 mg/L.

Recommended Corrective Action: Compliance with the permitted effluent limits must be maintained. Submit documentation indicating compliance with the chlorine residual and

ammonia nitrogen effluent limits.

Track No: 696777 **Compliance Due Date:** To Be Determined

30 TAC Chapter 305.125(1)

PERMIT WQ0013693001, Monitoring and Reporting No. 7.a & 7.b.i

Any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and Enforcement Division within five working days of becoming aware of the noncompliance.

Alleged Violation:

Investigation: 1513237

Comment Date: 11/05/2018

Failed to provide notification of any noncompliance which may endanger human health or safety, or the environment.

During investigations conducted on September 19, 2018 and September 25, 2018, sewage and sewage debris were observed discharging from numerous clean-outs, valve pits, and air terminals throughout the town of Port O'Connor. Additionally, many similar unauthorized discharges of sewage likely occurred from the collection system from July 4, 2018 through October 7, 2018 due to the collection system not properly operating during that time. To date, none of these unauthorized discharges have been reported to the TCEQ by POCID as required.

Recommended Corrective Action: Report of such information shall be provided orally or by fax to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. Submit the required noncompliance notifications and documentation outlining the steps taken to ensure the proper notification of unauthorized discharges.

Track No: 696794 **Compliance Due Date:** To Be Determined

30 TAC Chapter 305.125(1)

30 TAC Chapter 317.7(d)

PERMIT WQ0013693001, Monitoring & Reporting No. 1

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month.

Alleged Violation:

Investigation: 1513237

Comment Date: 12/06/2018

Failed to provide monitoring results at the intervals specified in the permit.

During the investigation, it was determined that the Discharge Monitoring Reports (DMR) for the months of February 2018 through September 2018 were not submitted to the TCEQ as required. The April 2018 DMR was submitted late on June 15, 2018, instead of by May 20, 2018 as required. The DMR reports for the remaining months noted above have not been submitted to the TCEQ.

Recommended Corrective Action: DMRs must be submitted by the 20th day of the month following the monitoring period whether or not a discharge was made for that month. Submit the February 2018, March 2018, May 2018, June 2018, July 2018, August 2018, and September 2018 DMRs to the Corpus Christi Region Office and the Enforcement Division (MC 224).

Track No: 696805 **Compliance Due Date:** To Be Determined

30 TAC Chapter 305.125(5)

PERMIT WQ0013693001, Operational Requirements No. 1

The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Alleged Violation:

Investigation: 1513237

Comment Date: 11/01/2018

Failed to ensure at all times that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

During the investigations conducted on July 11, 2018, September 19 & 25, 2018 and October 3, 4 and 5, 2018, it was noted that POCID's collection system was not properly operated or maintained. Specifically, during the time period from July 4, 2018 to October 7, 2018 POCID's collection system catastrophically malfunctioned numerous times terminating service to the majority of the Port O'Connor residents. Preventative maintenance appears to not have been conducted as numerous controllers and vacuum valves required replacement during these outages, and inflow and infiltration from heavy rains caused loss of vacuum in the collection system. Additionally, two diffusers in the sludge digester were inoperable.

Recommended Corrective Action: Ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Submit documentation indicating that the two diffusers in the sludge digester are operable. Also submit a compliance plan with anticipated completion dates to ensure the collection system is properly operated and maintained.

Track No: 697011

Compliance Due Date: To Be Determined

30 TAC Chapter 305.125(1)**PERMIT WQ0013693001, Monitoring & Reporting 3.b**

Monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit shall be retained at the facility site or shall be readily available for review by a TCEQ representative for a period of three years.

Alleged Violation:

Investigation: 1513237

Comment Date: 11/05/2018

Failed to maintain records.

During the investigation conducted on September 6, 2018, it was noted that POCID did not have a copy of the collection system maintenance schedule available for review. It was also noted that POCID was not maintaining records of maintenance/repair activities in the collection system.

Recommended Corrective Action: Maintain copies of monitoring and reporting records, including strip charts and records of calibration and maintenance, and copies of all records required by this permit for a minimum of three years. Submit a copy of the collection system maintenance schedule. Also submit documentation indicating that all records of maintenance and repair to the collection system will be maintained for a minimum of three years.